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Paper No. 8

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**JUN 2 - 2003**

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600  
DECISION  
ON PETITION

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In re Application of: :  
Penberth et al. :  
Application No. 09/262,778 :  
Filed: March 4, 1999 :  
For: METHOD AND SYSTEM FOR CALIBRATING :  
THE SCAN AMPLITUDE OF AN ELECTRON BEAM :  
LITHOGRAPHY INSTRUMENT :

This is a decision on the petition filed July 29, 2002 under 37 CFR § 1.181(a) to withdraw the holding of abandonment. No fee is required.

The application was held abandoned for failure to timely file a proper reply to the non-final Office action mailed August 29, 2001. A Notice of Abandonment was mailed on July 3, 2002.

Petitioner states that a timely filed response was filed via facsimile transmission on November 29, 2001. In support, Petitioner has submitted a copy of the following:

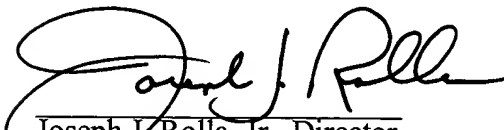
- A facsimile transmission cover sheet for the response amendment indicating eleven pages including the cover sheet.
- A facsimile transmission report showing eleven pages sent "OK" on November 29 at 1548.
- The ten page response amendment.
- An Auto-Reply Facsimile Transmission from the Patent and Trademark Office (PTO) showing receipt of eleven pages on November 29, 2001.

The Auto-Reply sent by the PTO indicates receipt of a facsimile transmission for the above identified application. The Auto-Reply shows receipt in the PTO of eleven pages including a cover sheet. The copy of the cover sheet itemizes the response amendment.

Consequently, it is determined that the original reply was timely received in the PTO on November 29, 2001.

For the reasons above, the petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff for entry of the copy of the amendment. From there, the file will be forwarded to the examiner for further examination in due course.

  
Joseph J. Rolla, Jr., Director  
Technology Center 2600  
Communications